



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

ELP
Docket No. 7282-99
20 March 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 15 March 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 15 August 1963 for four years at age 19. The record reflects that you were advanced to BT3 (E-4), were authorized the Vietnam Service Medal for service on board the USS TOPEKA, and served for 34 months without incident. However, during the 12 month period from June 1966 to June 1967 you received three nonjudicial punishments (NJP) and were convicted by a summary court-martial. Your offenses consisted of five periods of unauthorized absence totalling about 25 days and absence from your appointed place of duty.

On 3 July 1967 you were notified that discharge processing was being initiated by reason of unfitness due to frequent involvement of a discreditable nature with military authorities. You were advised of your procedural rights and waived those rights. Thereafter, the commanding recommended discharge by reason of unfitness. On 16 July 1967, the Chief of Naval

Personnel directed separation with a general discharge by reason of unfitness. You were so discharged on 18 August 1967.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your youth and immaturity, limited education, Vietnam service, good post-service conduct, and the fact that it has been more than 32 years since you were discharged. The Board noted the letters of reference and your statement in support of your application. The Board concluded that the foregoing factors were insufficient to warrant recharacterization of your discharge given your record of three NJPs and a summary court-martial conviction, all of which, with the exception of one NJP, were within the last year of service. The Board believed that to characterize such service as fully honorable is unjust to those who served without any disciplinary actions. The Board also believed that you fortunate that the Chief of Naval Personnel authorized a general discharge. The Board concluded that the discharge was proper and no change is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director